APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,816	06/25/2001	Keith Hoene	10007759-1	7631

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EXAMINER
CHEN, SHIN HON

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 December 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,6-11,14-22 and 24-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3, 6-11, 14-22, and 24-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *25 June 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-3, 6-11, 14-22, and 24-27 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claim 1-3, 6, 11, 14, 15, 19-20, 24, 25, and 27 rejected under 35 U.S.C. 103(a) as being

unpatentable over Chefalas et al. U.S. Pub. No. 20020116639 (hereinafter Chefalas) in view of

Grosse U.S. Pat. No. 5205551 (hereinafter Grosse).

4.   As per claim 1, and 11, Chefalas discloses a method of network computing: using a

server with a virus monitor to identify a client computer that is infected with a virus or

susceptible to a virus; and isolating the virus-infected client computers and virus-susceptible

client computers from the server and from a computing network connected to the server

(Chefalas: [0012]). Chefalas further discloses wherein the using and isolating steps further

comprise: detecting client computers that are infected with virus; and terminating a client-server

connection for client computers that are infected with virus. Chefalas does not explicitly disclose

detecting client computer that do not maintains an enabled virus protector and isolate client

computer that have a disabled virus protector. However, Grosse discloses detecting client

computers that do not have proper security configurations and detecting client computers that are

not enabled for virus protection during an attempted client server connection and preventing

connection for those misconfigured client computers, and take appropriate actions to correct the

client information (Grosse: column 3 lines 6-34). It would have been obvious to one having

ordinary skill in the art at the time of applicant's invention to detect client computers that do not

have ability to protect themselves from virus attacks and quarantine them from other network

devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time

of applicant's invention to combine the teachings of Grosse within the system of Chefalas

because it prevents virus from spreading across entire network.

5.   As per claim 2, Chefalas discloses the method of claim 1. Chefalas further discloses

wherein the using step further comprises: scanning the client computer with a virus monitor of at

least one of the server and the client computer (Chefalas: [0012]).

6.   As per claim 3, 14, and 15, Chefalas as modified discloses the method of claims 1, 11,

and 14 respectively. Chefalas as modified further discloses wherein the isolating step further

comprises: tracking a client identifier of the virus-infected and virus-susceptible client computers

(Chefalas: figures 4a and 4b and [0044]); and preventing a client-server connection and network

communications between the virus-infected client computers and virus-susceptible client

computer and the computing network (Chefalas: [0012]).

7.   As per claim 6, Chefalas as modified discloses a method of virus-controlled network

access comprising: using a server of a network with a virus monitor, via a server-initiated

communication, to identify at least one client computer that fails to produce an approved virus

scan report (Chefalas: [0012]); and isolating the at least one client computers not having the

approved virus scan report from authorized communication with the server (Chefalas: [0012]).

8.   As per claim 19, 20, 22, 24, 25, and 27, claims 19, 20, 22, 24, 25, and 27 encompass the

same scope of invention as that of claim 3. Therefore, claims 19, 20, 22, 24, 25, and 27 are

rejected with the same reason as claim 3.

9.   Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas

in view of Stiles U.S. Pat. No. 6330608 (hereinafter Stiles).

10.   As per claim 7, Chefalas discloses a method of maintaining a virus-controlled network

computing system comprising: booting at least one client computer to establish a client-server

connection with a server and to perform a scan by the at least one client computer of the at least

one client computer for a virus (Chefalas: [0012]); reporting the results of the virus scan from the

at least one client computer to the server (Chefalas: [0012]). Chefalas does not explicitly disclose

selectively permitting the client computer authorized access to the server through the

client-server connection when the virus scan report detects no viruses and denying the client

computer access to the server when a virus is detected or no valid virus report is provided by the

client computer. However, Stiles discloses checking whether the module request access has virus

infection and a set of criteria before it is being permitted to connect with the system (Stiles:

column 2 line 56 – column 3 line 40). It would have been obvious to one having ordinary skill in

the art at the time of applicant's invention to combine the teachings of Stiles within the system of

Chefalas because it increases the security of the network system by making sure the client is not

virus infected before the connection is established.

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view

of Stiles and further in view of Grosse.

12.   As per claim 8, Chefalas as modified discloses the method of claim 7. Chefalas as

modified does not explicitly disclose the method further comprising: establishing the

client-server connection based on the client computer maintaining a virus protector of the client

computer in an enabled mode. However, Grosse discloses making sure whether the client

computer is configured correctly according to standard of security measure to ensure network

security (Grosse: column 3 lines 6-34). It would have been obvious to one having ordinary skill

in the art at the time of applicant's invention to combine the teachings of Grosse within the

combination of Chefalas-Stiles because it prevents virus from spreading across entire network by

checking whether the client computer has the ability to protect itself from virus.

13.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view

of Stiles and further in view of Arnold et al. U.S. Pat. No. 5440723 (hereinafter Arnold).

14.   As per claim 9, Chefalas as modified discloses the method of claim 7. Chefalas does not

explicitly disclose wherein the terminating step further comprises: querying the client

periodically to determine if the virus protector of the client computer remains enabled. However, Arnold discloses periodically monitor a data processing system for presence of virus (Arnold: column 2 line 45 – column 3 line 12). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to periodically monitor the client computer and check if the client is virus-infected. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Arnold within the combination of Chefalas-Stiles because it increases the security of the network system by ensuring that the virus to be detected as soon as possible if it occurred.

15.   Claims 10, 16-18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas in view of Stiles and further in view of Hodges et al. U.S. Pat. No. 6269456 (hereinafter Hodges).

16.   As per claim 10, Chefalas as modified discloses the method of claim 7. Chefalas as modified further discloses checking for certain criteria before a client is able to request/access the server (Stiles: column 2 line 56 – column 3 line40). Chefalas does not explicitly disclose the method further comprising: terminating the client-server connection if the virus definitions of the virus protector of the client computer have not been updated within a specified date criteria of the server. However, Hodges discloses a server checks whether the antivirus software on a client computer is up-to-date and updates antivirus software on client computer if the version is old (Hodges: column 4 line 53 – column 5 line 48). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to terminate client-server connection

if the antivirus software on client computer is not up-to-date. Therefore, it would have been

obvious to one having ordinary skill in the art at the time of applicant's invention to combine the

teachings of Hodges within the combination of Chefalas-Stiles because new viruses are being

developed each day and it is necessary for a computer system with newest virus definition to

detect new virus in order to ensure the security of network.

17.   As per claim 16, claim 16 encompasses the same scope of the invention as that of the

claim 10. Therefore, claim 16 is rejected for the same reason as the claims 10.

18.   As per claim 17, Chefalas as modified discloses the system of claim 16. Chefalas as

modified further discloses wherein the client computer further comprises: a virus protector for

scanning the client computer for viruses (Chefalas: [0012]).

19.   As per claim 18, Chefalas as modified discloses the system of claim 16. Chefalas as

modified further discloses wherein the virus monitor of the server further comprises: a virus

protector for scanning the client computer and files written by the client computer (Chefalas:

[0012]).

20.   As per claim 26, claim 26 encompasses the same scope of invention as that of claim 10.

Therefore, claim 26 is rejected with the same reason as claim 10.

21.   Claim 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chefalas

in view of Grosse and further in view of Hodges.

22.   As per claim 21, Chefalas discloses a virus protector; a quarantine monitor configured for

preventing network communications to a server of a network originating from each client

computer that is virus-infected or that is virus susceptible and configured for tracking an identity

of each virus-infected client computer and each virus susceptible client computers (Chefalas:

[0012]). Chefalas does not explicitly disclose detecting if client computer is virus-infected or

virus susceptible by having at least one of a disabled virus protector and a virus definition set

that is not up-to-date. However, Grosse disclose detecting if security setting of a client computer

is misconfigured (Grosse: column 3 lines 6-34). It would have been obvious to one having

ordinary skill in the art at the time of applicant's invention to detect client computers that do not

have ability to protect themselves from virus attacks and quarantine them from other network

devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time

of applicant's invention to combine the teachings of Grosse within the system of Chefalas

because it prevents virus from spreading across entire network. Chefalas as modified does not

explicitly disclose the server checks whether client's virus protector is up-to-date. However,

Hodges discloses that limitation (Hodges: column 4 line 53 – column 5 line 48). It would have

been obvious to one having ordinary skill in the art at the time of applicant's invention to

terminate client-server connection if the antivirus software on client computer is not up-to-date.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of

applicant's invention to combine the teachings of Hodges within the combination of Chefalas-

Grosse because new viruses are being developed each day and it is necessary for a computer

system with newest virus definition to detect new virus in order to ensure the security of

network.

23.   As per claim 22, claim 22 encompass the same scope as claim 21. Therefore, claim 22 is

rejected based on the same reason set forth in claim 21.

Response to Arguments

24.   Applicant's arguments filed on 12/20/04 have been fully considered but they are not

persuasive.

25.   Regarding claim 1, applicant argues that Grosse reference does not disclose directly

verifying a disabled status or non-enabled status of a virus protector of the client computer.

However, the claim language does not disclose **directly verifying** and the Grosse reference

detect misconfigured clients and take appropriate action upon detection. Also Grosse reference

discloses a firewall directly sending a packet into a network to detect misconfiguration of client

computers. Therefore, applicant's argument is respectfully traversed.

26.   Also regarding claim 1, applicant argues that Grosse reference does not disclose

terminating or preventing a client-server connection based on verifying the status of a virus

protector. In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

27.   Regarding claim 6, applicant's argument on Chefalas is confusing since Chefalas does not disclose using virus probes at a firewall. It is Grosse reference that discloses the limitations. However, Grosse reference is not relied upon in rejecting claim 6. Therefore, the argument is moot.

28.   Regarding other arguments, applicant's arguments with respect to claims 1-3, 6, 11, 14, 15, 19-25, and 27 have been considered but are moot in view of the new ground(s) of rejection.

29.   Regarding Hodges reference, applicant argues that the reference teaches away from the invention. However, Hodges reference discloses server can check whether the virus protector residing in client computer is up-to-date and perform necessary steps. Hodges reference is relied upon in disclosing the server can check the status of the virus protector, not the actions performed by server after the determination.

Conclusion

30.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The

examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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Shin-Hon Chen
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